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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Manuel AGUIRRE-Navarro,

Defendant(s)

08 FEB 27 AM 9:33

) Magistrate Case No.

) CLERK, U.S. DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 0573

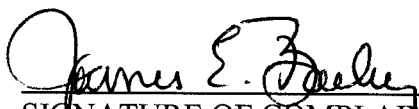
BY:) COMPLAINT FOR VIOLATION OF:
) DEPUTY

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
) Transportation of Illegal
) Aliens
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **February 25, 2008**, within the Southern District of California, defendant **Manuel AGUIRRE-Navarro** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Teofilo NUCICO-Guerrero** had come to, entered and remained in the United States in violation of law, did transport and move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

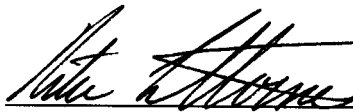
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF February 2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

Manuel AGUIRRE-Navarro

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Teofilo NUCICO-Guerrero** is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 25, 2008, Border Patrol Agent B. Martin was conducting checkpoint duties at the San Clemente Border Patrol Checkpoint. At proximately 10:45 A.M., Agent Martin was manning lanes one and two when a white 2004 Ford F-150 with two occupants pulled up to is position. Agent Martin identified himself to the occupants as a Border Patrol Agent and queried them as to their immigration status. The driver, defendant **Manuel AGUIRRE-Navarro** stated that he was a United States citizen. The passenger, **Teofilo NUCICO-Guerrero**, would not respond. When the passenger was asked again, the defendant stated, "He's a U.S. Citizen." Agent Martin referred the vehicle to the secondary inspection area for a more thorough immigration inspection.

In secondary inspection Agents G. Matthews and S. Avila identified themselves to the defendant and NUCICO and questioned them once again as to their citizenship. NUCICO admitted to being a citizen of Mexico illegally present in the United States. NUCICO was placed under arrest and transported to the San Clemente Station for processing. Record checks on defendant revealed him to be a previously deported alien with prior arrests for alien smuggling. The defendant was confronted with these records. He admitted that he is a citizen of Mexico illegally present in the United States.

STATEMENT OF DEFENDANT:

Defendant Manuel AGUIRRE-Navarro was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits to being a citizen of Mexico illegally present in the United States. The defendant entered the United States illegally on or about August 20, 2006 at the Otay Mesa Port of Entry. He has been living in the San Marcos, California. On February 25, 2008, the defendant met his ex-wife at the Burger King on Mission Road in Oceanside, California. He did not know the person who was with her, but she asked the defendant if he could take the individual with him to work. The defendant agreed. As they approached the checkpoint the defendant asked the person if he was illegal. The passenger admitted that he was. The defendant was not concerned because if stopped they would both be arrested.

CONTINUATION OF COMPLAINT:

Manuel AGUIRRE-Navarro

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STATEMENT OF MATERIAL WITNESS:

Material witness **Teofilo NUCICO-Guerrero** admits that he is a citizen and national of Mexico illegally present in the United States. He made smuggling arrangements in Tijuana and was being charge \$2600 US to be smuggled to Los Angeles, California. Teofilo NUCICO-Guerrero claimed that on February 24, 2008, at 2 P.M., he presented a Customs officer with a permit and his Mexican Voter Registration card. He then walked two blocks to a Carl's Jr. There, a young male took the immigration document from him. A female, driving a white two door car, picked him up and drove him to an apartment in Chula Vista, California.

NUCICO stayed one night. The next morning the same female drove him to a Burger King. At the Burger King NUCICO got into a Ford F-150 being driven by Manuel AGUIRRE-Navarro. The defendant told NUCICO that he was being taken to Los Angeles and that NUCICO was to pay him for his smuggling fee.

NUCICO claims that the defendant drove him north on Interstate 5 in the white F-150 until they arrived at the San Clemente Border Patrol Checkpoint where they were arrested.